

Court Informer

March 2013

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Adoption, Foster Care & Juvenile Justice

 Chuck, Elizabeth, Deirdre Cohen, and Sarah Koch. "Criminal Justice System's 'Dark Secret': Teenagers in Solitary Confinement" (March 22, 2013), available at: http://rockcenter.nbcnews.com/_news/2013/03/22/17403150-criminal-justice-systems-dark-secret-teenagers-in-solitary-confinement?lite&ocid=msnhp&pos=1.

- 2. Hudson, Jr., David L. "Doing Penance: Oklahoma Judge Raises Eyebrows after Sentencing a Teen to Church." 99 *ABA Journal* 13 (March 2013).
- 3. O'Hanlon, Kevin. "Lawmakers Near Major Overhaul of Juvenile Court Process" (March 21, 2013), *available at*: http://journalstar.com/legislature/lawmakers-near-major-overhaul-of-juvenile-court-process/article 2993272e-be10-5163-ad40-2d0f442df332.html.
- 4. Summers, Alicia and Cory Shdaimah. "Improving Juvenile Dependency Case Timeliness through Use of the One Family, One Judge Model." 64 *Juvenile & Family Court Journal* 23 (Winter 2013).

Alternative Dispute Resolution

- 5. Stark, James H. and Douglas N. Frenkel. "Using Fear and Guilt to Persuade: What Might Empirical Research Tell Mediators?" 19 *Dispute Resolution Magazine* 26 (Winter 2013).
- Sugarman, Saul. "Settlements May Drop with ADR Cuts; Closure of LA County Superior Court's ADR Offices Expected to Quell Appetite for Deals." 126 Los Angeles Daily Journal 3 (March 22, 2013).

Capital Cases & Capital Sentencing

7. Lu, Andrew. "Maryland's Death Penalty Repealed: Flaws Cited" (March 15, 2013), available at: http://blogs.findlaw.com/blotter/2013/03/marylands-death-penalty-repealed-flaws-cited.html?DCMP=NWL-cons legalgrounds.

Courts & Court Administration

- 8. Atkins, Kimberly and Barbara Jones. "Courts Brace for Sequester Fallout; Officials Say 2014, 2015 Will Be Worse" (March 22, 2013), available at: http://minnlawyer.com/2013/03/22/courts-brace-for-sequester-fallout/.
- Brandenburg, Bert. "States Making It Harder to Get Timely Justice: Column" (March 27, 2013), available at: http://www.usatoday.com/story/opinion/2013/03/27/state-court-gridlock-brownback-column/1991337/.
- 10. Clark, Maggie. "Should Judges Be Forced to Retire?" (February 15, 2013), available at: http://www.pewstates.org/projects/stateline/headlines/should-judges-be-forced-to-retire-85899451687.
- 11. Greiner, D. James, Cassandra Wolos Pattanayak, and Jonathan Hennessy. "The Limits of Unbundled Legal Assistance: A Randomized Study in a Massachusetts District Court and Prospects for the Future." 126 Harvard Law Review 901 (February 2013).
- 12. Hurley, Lawrence. "Justices Raise Concerns about Budget Cuts to Judiciary" (March 14, 2013), available at: http://newsandinsight.thomsonreuters.com/Legal/News/2013/03_-

- March/Justices raise concerns about budget cuts to judiciary/.
- 13. Lucia, Katie. "Spurred by Cuts, Courthouse Closures Upset Small Towns." 126 Los Angeles Daily Journal 1 (March 6, 2013).
- Mann, Jennifer. "St. Louis Mayor Makes Plan to Force Judges toward Special Gun Court" (February 7, 2013), available at: http://www.stltoday.com/news/local/crime-and-courts/st-louis-mayor-makes-plan-to-force-judges-toward-special/article_91229e54-4f4a-5e2c-9819-68072f56dba9.html.
- 15. Martin, John P. and Craig R. McCoy. "Nine Current and Former Philadelphia Traffic Court Judges Charged in Probe" (February 2, 2013), *available at*: http://articles.philly.com/2013-02-02/news/36686562 1 william-hird-philadelphia-traffic-court-judges-willie-singletary.
- 16. Metzger, Andy. "Massachusetts Supreme Court Chief Justice Roderick Ireland Warns That without More Funding, Rule of Law Itself Is at Risk" (February 21, 2013), available at: http://www.masslive.com/politics/index.ssf/2013/02/massachusetts_supreme_judicial_3.html.
- Morganteen, Jeff. "Do-It-Yourself Lawyers Bog down State Courts; Poor Economy Blamed for Increase in Self-Represented Litigants" (February 28, 2013), available at: http://www.stamfordadvocate.com/news/article/Do-it-yourself-lawyers-bog-down-state-courts-3364221.php.
- 18. Neil, Martha. "Judge Describes His Sentencing Philosophy, Is Reassigned to Civil Court in Another County" (March 5, 2013), available at: http://www.abajournal.com/news/article/judge_describes_his_sentencing_philosophy_is_reassig_ned_to_civil_court_in_a/?utm_source=maestro&utm_medium=email&utm_campaign=weekly_e_mail.
- 19. Pickler, Nedra. "Obama Attempting to Change Face of the Judiciary" (February 15, 2013), available at: http://www.usnews.com/news/politics/articles/2013/02/15/obama-attempting-to-change-face-of-the-judiciary.
- 20. Raftery, William E. and Timothy F. Fautsko. "The Quandry of Courthouse Security." 35 National Law Journal 30 (February 11, 2013).
- 21. Ring, Dan. "Massachusetts Court Leaders Urge 5 Percent Budget Increase, Pay Raise for Judges" (March 19, 2013), *available at*: http://www.masslive.com/politics/index.ssf/2013/03/massachusetts_court_leaders_ur.html.
- 22. Shen, Aviva. "Washington Republicans Try to Fire Supreme Court Judges by Making Them Draw Straws" (March 7, 2013), *available at*: http://thinkprogress.org/justice/2013/03/07/1688051/washington-republicans-try-to-fire-supreme-court-judges-by-making-them-draw-straws/?mobile=nc.
- 23. Sugarman, Saul. "Courthouse Project Comes under Fire; Project to Fix Aging Infrastructure Has It Critics, Including Some Judges Themselves." 126 Los Angeles Daily Journal 4 (March 1, 2013).
- 24. Sugarman, Saul. "Fewer Live Clerks Hit Litigants with Delays." 126 Los Angeles Daily Journal 1 (March 18, 2013).
- 25. Sugarman, Saul. "San Mateo County Courts Plan Layoff of Commissioners, Staff." 126 Los Angeles Daily Journal 5 (February 1, 2013).
- 26. Tillman, Zoe. "D.C. Courts Filling a Need for Translators; In 2012, Demand Rose to New Level

- for Non-Spanish Translation Services." 35 National Law Journal 1 (March 18, 2013).
- 27. Wheeler, Russell. "The Tortuous, Protracted Wait to Confirm Judges From Abe to Obama" (February 25, 2013), available at: http://www.theatlantic.com/politics/archive/2013/02/the-tortuous-protracted-wait-to-confirm-judges-from-abe-to-obama/273485/.

Criminal Justice

- 28. Aleaziz, Hamed. "DAs Take Closer Look at Innocence Claims; Offices Create Conviction Integrity Units to Double-Check Prosecutors' Work." 126 Los Angeles Daily Journal 5 (February 14, 2013).
- 29. Collins, Sarah. "Unreasonable Seizure: Government Removal of Children from Homes with Drugs but No Evidence of Neglect." 20 George Mason Law Review 631 (Winter 2013).
- 30. Dolan, Scott. "Maine's Court-Appointed Lawyers Face Fiscal Crunch" (February 2, 2013), available at: http://www.pressherald.com/politics/court-appointed-lawyers-face-fiscal-crunch 2013-02-03.html.
- 31. Goelzhauser, Greg. "Prosecutorial Discretion under Resource Constraints and Local Death-Charging Decisions." 96 *Judicature* 161 (January-February 2013).
- 32. Groppe, Maureen. "Lax Drunk Driving Laws Could Cost States." *Arizona Republic* A6 (February 2, 2013).
- 33. "Judge Dons Nun Mask to Help Him Decide Heist Case" (February 7, 2013), available at: http://www.boston.com/news/nation/2013/02/07/judge-dons-nun-mask-help-him-decide-heist-case/z3u4vmLGQRTZQ8GUkIGcEN/story.html.
- 34. Lu, Andrew. "Man's DUI Alibi: Aliens Dumped Him at Crash Site" (February 6, 2013), *available at*: http://blogs.findlaw.com/legally_weird/2013/02/mans-dui-alibi-aliens-dumped-him-at-crash-site.html?DCMP=NWL-cons_legalgrounds.
- 35. Neil, Martha. "After Layoff of 22 Lawyers, Prosecutor's Office Stops Covering Some Trials" (March 19, 2013), available at: http://www.abajournal.com/news/article/following_layoff_of_22_lawyers_prosecutors_office_stops_covering_all_court_/?utm_source=maestro&utm_medium=email&utm_campaign=weekly_email.
- 36. Neil, Martha. "Murder Defendants May Be Better off with Public Defender than Court-Appointed Lawyers, Study Says" (March 5, 2013), available at:

 http://www.abajournal.com/news/article/those_facing_a_murder_case_may_be_better_off_with_a_public_defender_than_a_/?utm_source=maestro&utm_medium=email&utm_campaign=weekly email.
- 37. Secret, Mosi. "Outside the Box, Federal Judges Offer Addicts a Free Path" (March 1, 2013), available at: http://www.nytimes.com/2013/03/02/nyregion/us-judges-offer-addicts-a-way-to-avoid-prison.html?pagewanted=all&_r=0.
- 38. Weiss, Debra Cassens. "Can a Brain Scan Predict Recidivism? Low Activity in One Brain Region Is Linked to Rearrest" (March 28, 2013), available at: http://www.abajournal.com/news/article/can_a_brain_scan_predict_recidivism_low_activity_in_one_brain_region_is_lin/?utm_source=maestro&utm_medium=email&utm_campaign=weekly_email.

39. Weiss, Debra Cassens. "Kagan Says Poor Defendants Are Entitled to a 'Ford Taurus' Defense" (March 19, 2013), available at: http://www.abajournal.com/news/article/kagan_says_poor_defendants_are_entitled_to_a_ford_t aurus_defense/?utm_source=maestro&utm_medium=email&utm_campaign=weekly_email.

Ethics

- 40. Edwards, Judge Leonard. "Ethical Issues in the Family Drug Treatment Court." 64 *Juvenile & Family Court Journal* 1 (Winter 2013).
- 41. "Lawyer Punished by Second Circuit for Failing to Update Email Address" (February 5, 2013), available at: http://it-lex.org/lawyer-punished-by-second-circuit-for-failing-to-update-email-address/.
- 42. McDonough, Molly. "Lawyer Fined \$20K for Failing to Vet Frivolous Case" (March 11, 2013), available at:

 http://www.abajournal.com/news/article/lawyer_fined_20k_for_failing_to_vet_frivolous_case/?ut
 m source=maestro&utm medium=email&utm campaign=weekly email.
- 43. Neil, Martha. "Bar Probes 3 Lawyers Accused of Setting up Opposing Counsel for Mid-Trial DUI Arrest" (February 5, 2013), available at: http://www.abajournal.com/news/article/bar_probes_3_lawyers_accused_of_setting_up_opposing_counsel_for_mid-trial/?utm_source=maestro&utm_medium=email&utm_campaign=weekly_email.
- 44. Neil, Martha. "Disrespectful' Lawyer Held in Contempt after Calling Judge's Bond Ruling 'Ridiculous'" (February 20, 2013), available at: http://www.abajournal.com/news/article/disrespectful_lawyer_held_in_contempt_bond_ruling_rid iculous/?utm_source=maestro&utm_medium=email&utm_campaign=weekly_email.
- 45. Neil, Martha. "Divorce Attorney Who Helped Client Break into Spouse's Home Loses Law License for 2 Years" (February 20, 2013), available at:

 http://www.abajournal.com/news/article/divorce_attorney_who_helped_client_break_into_spous es_home_loses_license/?utm_source=maestro&utm_medium=email&utm_campaign=weekly_e mail.
- 46. Neil, Martha. "Judge Whose Angry Rant Was Caught in YouTube Clip Is Suspended for Nearly 4 Years" (March 2, 2013), available at: http://www.abajournal.com/news/article/judge_who_shouted_shut_up_at_litigants_is_removed_t op_state_court_cites_soc/?utm_source=maestro&utm_medium=email&utm_campaign=weekly_email.
- 47. Spahn, Thomas E. "Aging Clients and Lawyers: Ethics Implications." 22 Experience 47 (2013).
- 48. Weiss, Debra Cassens. "Judge Resigns after Admitting Improper IMs with Wife during Court, But Denies Steamy Content" (March 5, 2013), available at: http://www.abajournal.com/news/article/judge_resigns_after_admitting_excessive_and_imprope_ims_with_wife_during_co/?utm_source=maestro&utm_medium=email&utm_campaign=weekly_email.
- 49. Weiss, Debra Cassens. "Should Judges Disclose Facebook Friends? 'Context Is Significant,' ABA Ethics Opinion Says" (February 26, 2013), available at: http://www.abajournal.com/news/article/should_judges_disclose_facebook_friends_context_is_significant_aba_ethics_o/?utm_source=maestro&utm_medium=email&utm_campaign=tech_mont hly.

50. Zupac, Wendy Zorana. "Mere Negligence or Abandonment? Evaluating Claims of Attorney Misconduct after *Maples v. Thomas.*" 122 *Yale Law Journal* 1328 (March 2013).

Evidence

- 51. Faigman, David L. "The Daubert Revolution and the Birth of Modernity: Managing Scientific Evidence in the Age of Science." 46 *UC Davis Law Review* 893 (February 2013).
- 52. Francis IV, James C. "Judges Need to Understand Their Limitations; They Should Resist Pressure to Take a Stronger Hand in Discovery Than They Are Suited For." 35 *National Law Journal* 26 (February 11, 2013).
- 53. Katz, Deanne. "National DNA Database Comes under Scrutiny" (February 27, 2013), available at: http://blogs.findlaw.com/blotter/2013/02/national-dna-database-comes-under-scrutiny.html?DCMP=NWL-cons_legalgrounds.
- 54. O'Connor, Tom. "Cost-Effective E-Discovery for Small Cases." 30 *GPSolo* 50 (January/February 2013).

Family Law

- 55. Grey, Kevin. "Florida Judge Approves Birth Certificate Listing Three Parents" (February 7, 2014), available at: http://usnews.nbcnews.com/_news/2013/02/07/16889720-florida-judge-approves-birth-certificate-listing-three-parents?lite.
- Katz, Deanne. "No. 1' Deadbeat Dad Pleads Guilty, Owes \$1.2M" (February 22, 2013), available at: http://blogs.findlaw.com/law_and_life/2013/02/no-1-deadbeat-dad-pleads-guilty-owes-12m.html?DCMP=NWL-cons_legalgrounds.
- 57. Kisthardt, Mary Kay and Barbara Handschu. "Recent Noteworthy Developments in Child Support; Two Interesting Cases Hail from Kansas, Plus the U.S. Recently Adopted the Hague Convention on International Support." 35 National Law Journal 9 (March 4, 2013).
- 58. Leidholdt. Dorchen A. "Human Trafficking and Domestic Violence: A Primer for Judges." 52 *Judges' Journal* 16 (Winter 2013).
- 59. Vitek, Nina. "Mutual Mistake as Grounds for Setting Aside a Property Settlement Agreement." 27 American Journal of Family Law 40 (Spring 2013).

Guardianship & Probate

- 60. Croteau, Michelle. "Only 35% of Americans Have a Will, Findlaw.com Survey Says" (February 28, 2013), available at: http://blogs.findlaw.com/official_findlaw_blog/2013/02/only-35-of-americans-have-a-will-findlawcom-survey-says.html?DCMP=NWL-cons_legalgrounds.
- 61. Loatman, Michael. "Dealing with the Digital Accounts of the Dead" (February 22, 2013), available at: http://www.bna.com/dealing-digital-accounts-b17179872511/.
- 62. Ray, Chelsea. "Til Death Do Us Part: A Proposal for Handling Digital Assets after Death." 47 Real Property, Trust, & Estate Law Journal 583 (Winter 2013).

Juries & Jury Reform

63. Arntsen, John. "The Pursuit of the Paperless Jury Operation" (March 11, 2013), available at: http://web.courthouse-technologies.com/blog/bid/237016/The-Pursuit-of-the-Paperless-Jury-Operation.

- 64. Dickson, Terry. "New Balanced Jury Pools Causing Georgia Courts Problems; Felons on New List, Some People Listed Twice, Clerks of Court" (February 17, 2013), available at: http://jacksonville.com/news/crime/2013-02-17/story/new-balanced-jury-pools-causing-georgia-courts-problems.
- 65. Egelko, Bob. "State Judges Make Case for Smaller Juries" (February 21, 2013), available at: http://www.sfgate.com/news/article/State-judges-make-case-for-smaller-juries-4299277.php.
- 66. Eilbaum, Stacey P. "The Dual Face of the American Jury: The Antiauthoritarian and Antimajoritarian Hero and Villain in American Law and Legal Scholarship." 98 *Cornell Law Review* 711 (March 2013).
- 67. Green, Emily. "Juries May Soon Shrink, as the State Courts Push to Trim Costs." 126 Los Angeles Daily Journal 1 (February 19, 2013).
- 68. Hall, Michael. "Large Number Absent from Jury Duty" (March 25, 2013), *available at*: http://www.tmcnet.com/usubmit/2013/03/25/7014316.htm.
- 69. Kim, Sangjoon, Jailhyun Park, Kwangbai Park, and Jin-Sup Eom. "Judge-Jury Agreement in Criminal Cases: The First Three Years of the Korean Jury System." 10 *Journal of Empirical Legal Studies* 35 (March 2013).
- 70. Roth, Andrea. "Defying DNA: Rethinking the Role of the Jury in an Age of Scientific Proof of Innocence" (March 25, 2013), available at: http://ssrn.com/abstract=2239283.

Technology and the Law

- 71. Ansari, Maryam K. "NYC Cops Nab Alleged Rapist Via iPhone App" (February 15, 2013), available at: http://blogs.findlaw.com/blotter/2013/02/nyc-cops-nab-alleged-rapist-via-iphone-app.html?DCMP=NWL-cons_legalgrounds
- 72. Gilbert, James. "Yuma Courthouse Using New Electronic Calendar Display System" (February 23, 2013), available at: http://www.yumasun.com/articles/courthouse-85533-monitors-information.html.
- 73. Gilbert, James. Yuma Courts to Begin Using Remote Video Interpreting System" (MARCH 24, 2013), available at: http://www.yumasun.com/articles/court-86266-system-nelson.html.
- 74. Knell, Noelle. "Catching Criminals on Pinterest; Police Departments Are Expanding Their Social Media Presence and Enlisting the Public's Help to Solve Crimes." 26 *Government Technology* 30 (February 2013).
- 75. Richardson, Jeff. "Mobile Apps for Lawyers: 11 Must-Have Apps for Lawyers" (March 2013), available at: http://www.abajournal.com/gallery/mobilelawyerapps.
- 76. Toohey, Gary. "Small Size, Big Problems: Smartphones in the Courtroom" (Winter 2013), available at: http://www.mobar.org/uploadedFiles/Home/Publications/Precedent/2013/Winter/smartphones.pd f.

77. Zahorsky, Rachel M. "Bedridden Man Uses Video Chat Provider Skype to Testify against Wife in Court" (February 13, 2013), available at: http://www.abajournal.com/news/article/bedridden_man_uses_video_chat_provider_skype_to_testify_against_wife/?utm_source=maestro&utm_medium=email&utm_campaign=tech_monthly.

Trial Practice

78. Cleaves, John. "How to Make Courtroom Presentations Interactive." 35 *National Law Journal* 46 (March 11, 2013).

General Interest

- 79. Ansari, Maryam K. "Arrested Man, 71, Says Jail Was on His 'Bucket List" (March 15, 2013), available at: http://blogs.findlaw.com/legalgrounds/2013/03/arrested-man-71-says-jail-was-on-his-bucket-list.html?DCMP=NWL-cons_legalgrounds.
- 80. DeBendictis, Don J. "ABA Rules Welcome Foreign Lawyers to US." 126 Los Angeles Daily Journal 1 (February 13, 2013).
- 81. Katz, Deanne. "ID Theft Claimed 12M Victims in 2012: Report" (February 20, 2013), available at: http://blogs.findlaw.com/injured/2013/02/id-theft-claimed-12m-victims-in-2012-report.html?DCMP=NWL-cons legalgrounds.
- 82. "Mistrial Declared When Prosthetic Eye Pops Out" (February 6, 2013), *available at*: http://www.usatoday.com/story/news/nation/2013/02/06/mistrial-prosthetic-eye/1897221/.
- 83. Nuss, Jeannie. "More Police Tracking License Plates." Arizona Republic A3 (March 3, 2013)
- 84. Podgers, James. "Magic Number: New York's New Rule Requires Bar Applicants to Perform 50 Hours of Pro Bono Work." 99 *ABA Journal* 22 (March 2013).
- 85. Thompson, Don. "Calif. Inmates' Lawsuits Cost State \$200 Mil." *Arizona Republic* A20 (February 16, 2013).
- 86. Weiss, Debra Cassens. "A Bar Applicant Is Denied a Law License for Completing Her Sentences" (February 6, 2013), available at: http://www.abajournal.com/news/article/a_bar_applicant_is_denied_a_law_license_for_completing_her_sentences/?utm_source=maestro&utm_medium=email&utm_campaign=weekly_email.
- 87. Weiss, Debra Cassens. "Judge Tosses Suit against West and LexisNexis for Reproducing Lawyer Briefs" (February 21, 2013), available at:

 http://www.abajournal.com/news/article/judge_tosses_suit_against_west_and_lexisnexis_for_re
 producing_lawyer_briefs/?utm_source=maestro&utm_medium=email&utm_campaign=tech_mon
 thly.
- 88. Weiss, Debra Cassens. "Two-Year Law School Was a Good Idea in 1970, and It's a Good Idea Now, Prof Tells ABA Task Force" (February 9, 2013), available at: http://www.abajournal.com/news/article/two-year_law_school_was_a_good_idea_in_1970_and_its_a_good_idea_now/?utm_source=maestro&utm_medium=email&utm_campaign=weekly_email.
- 89. Winston, Clifford and Robert Crandall. "To Reduce Lawyers' Drag on Growth, How about a Law Ph.D.?" (March 14, 2013), available at: http://www.forbes.com/sites/realspin/2013/03/14/to-

reduce-lawyers-drag-on-growth-how-about-a-law-ph-d/.

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